

**Village of Indian Head Park
201 Acacia Drive
Indian Head Park, IL 60525**

**MEETING MINUTES
BOARD OF TRUSTEES**

“Pursuant to 5 ILCS 120/2.06 (3) minutes of public meetings shall include, but need not be limited to: a general description of all matters proposed, discussed, or decided, and a record of votes taken.”

Thursday, November 13, 2008

7:30 P.M.

★ CALL TO ORDER - MAYOR RICHARD ANDREWS

The regular scheduled meeting of the Village of Indian Head Park Board of Trustees was held on Thursday, November 13, 2008, at the Municipal Facility, 201 Acacia Drive, and was called to order at 7:30 p.m. by Mayor Richard Andrews. Deputy Clerk Kathy Leach called the roll as follows:

★ ROLL CALL: KATHY LEACH, DEPUTY VILLAGE CLERK

PRESENT (AND CONSTITUTING A QUORUM):

Mayor Richard Andrews
Trustee Debbie Anselmo
Trustee Brian T. Bailey
Trustee Anne Bermier
Trustee Carol Coleman
Trustee Norman L. Schnauffer

ALSO PRESENT:

Frank Alonzo, Chief of Police/Administration
Steve Busa, Treasurer
Richard Ramello, Counsel, Storino, Ramello & Durkin
Edward Santen, Water/Public Works Superintendent

NOT PRESENT:

Joseph V. Consolo, Village Clerk
Trustee Matthew P. Walsh II

★ PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Richard Andrews and the Board of Trustees led the audience in reciting the Pledge of Allegiance to the Flag: *“I Pledge Allegiance to the Flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all”*.

◆ **MAYOR'S REPORT**

Mayor Andrews reported that by the time the meeting is concluded this evening, the Board will have approved the first collective bargaining agreement with the police officers. He thanked the officers for their cooperation in negotiating an agreement in a straight forward manner.

Mayor Andrews introduced Thomas Brescia who will be appointed this evening to serve as the Village's Prosecuting Attorney to take the place of Pat Rogers who will be resigning effective December 1st as the Village's Prosecuting Attorney. Mayor Andrews noted that Thomas Brescia is well qualified and is recommended by Pat Rogers. He noted that Tom is a graduate of Northern Illinois College of Law, he has experience in both the private and public sector, he is currently the Village Prosecutor for the Village of Westchester, he is an Administrative Law Judge in Westchester and Bellwood and has held other governmental positions in a prosecutorial role.

Mayor Andrews mentioned that Trustee Coleman and Trustee Schnaufer attended the grand opening of True Source Cabinets, a new business in the Indian Head Park Plaza.

Mayor Andrews reported that an article recently appeared in the Fall 2008 Northern Illinois Fire Sprinkler Association newsletter "***Fire Sprinkler Times***" mentioning the Indian Head Park Historic Heritage Center that was retrofitted with a fire sprinkler system. He noted that Reliable Automatic Sprinkler Supply Company donated the materials for the Heritage Center sprinkler system and ACME Sprinkler Service Company provided the labor and design for the sprinkler system installation. Mayor Andrews stated that Pleasantview Fire Protection District representatives mentioned that the Heritage Center facility is the first actual sprinkler retrofit for a former single family home in Indian Head Park. He thanked Superintendent Ed Santen for coordination of the work to be completed.

Superintendent Ed Santen reported that the Village will be receiving a delivery of salt in the next few days for the coming winter season and the Village will have about 650 tons on hand to salt the roads. Mayor Andrews stated that Jeff Sherwin, the Mayor of Northlake, recently reported at a Metropolitan Mayor's Caucus meeting that member communities of the West Central Municipal Conference approved a resolution asking the Illinois Attorney General to look into the matter of business practices of salt suppliers as well as the cost of salt this year. Richard Ramello, Village Counsel, stated that last week the Attorney General's Office held a meeting. He noted that many municipalities are experiencing the same problems with the skyrocketing prices for salt purchases this year. He noted that the Village of Schaumburg and the City of Moline do not have salt for the coming winter season as of this date.

Mayor Andrews asked everyone to keep in mind that salt will be conserved not only in Indian Head Park but also other communities that are experiencing the same difficulties with obtaining salt for the winter season. He noted that if the Village has a winter season similar to last year, 1,000 tons of salt would be needed to salt Village streets. Mayor Andrews stated that many local, county and state roads will be affected by the salt shortage this winter and motorists may need to use more caution when traveling the roadways.

Superintendent Ed Santen reported that the Heritage Center roof is in the process of being completed and the siding and gutter work also needs to be completed. Mayor Andrews reported that he, Trustee Coleman and Chief Alonzo attended a presentation by Doug Gotham from Burke Engineering to the Township of Lyons Board of Trustees. The purpose of the meeting was to present concept plans for park improvement projects in Indian Head Park in connection with the park bond issue that was approved by referendum vote. Mayor Andrews stated that projects from all communities that made a presentation total a dollar amount of \$45 million to \$60 million and the bond issue allocation amount to be shared with all communities is \$10 million. He noted that the Village's total concept park improvement plan is about ½ million dollars, which is about 5% of the \$10 million. He noted that Indian Head Park's population is about 4% of the Lyons Township population. Mayor Andrews stated that the Township Board was impressed with the presentation from Indian Head Park. He thanked Doug Gotham from Burke Engineering on all of his preparation and work that went into the concept plans for park improvements as well as Trustee Coleman who provided suggestions on the presentation. Mayor Andrews stated that concept plans for Heritage Center improvements were included in the presentation to the Township.

CONSENT AGENDA

Approval of a Resolution for School Board Members Day (Resolution #R11-08-1).

Approval of a Resolution Adopting an Identity Theft Prevention Program for the Village of Indian Head Park (Resolution #R11-08-02).

Approval of a Resolution to Determine the Estimated Amount of the Levy for the Village of Indian Head Park. (Resolution #R11-08-3).

Approval of a Resolution Regarding a Collective Bargaining Agreement between the Village of Indian Head Park and the Metropolitan Alliance of Police, Indian Head Park Chapter #501 (Resolution #R11-08-4).

Appointment of Thomas J. Brescia as Village Prosecutor effective December 1, 2008.

Mayor Andrews entertained a motion to approve the consent agenda, as presented.

Trustee Coleman moved, seconded by Trustee Bermier, to approve the consent agenda as presented. (5/0/1). Carried by unanimous roll call vote.

Ayes: Trustees: Anselmo, Bailey, Bermier, Coleman, Schnaufer

Nays: None

Absent: Walsh

APPROVAL OF FINANCIAL REPORTS

Financial Report for the month ending September 30, 2008

Financial Report for the month ending October 31, 2008

Treasurer Busa presented the financial report for the months ending September 30, 2008 and October 31, 2008. For the month of September, he noted: (1) total revenues were \$118,812.32; (2) expenditures were \$258,273.42 and; (3) total fund balances in all accounts at the end of September were \$427,626.75. For the month of October, he noted: (1) total revenues were \$508,641.40; (2) expenditures were \$275,812.11 and; (3) total fund balances in all accounts at the end of October were \$541,487.98. Trustee Schnaufer moved, seconded by Trustee Amselmo, to approve the financial report for the months ending September 30, 2008 and October 31, 2008, as presented by Treasurer Busa. Carried by unanimous roll call vote (5/0/1).

Ayes: Trustees: Anselmo, Bailey, Bermier, Coleman, Schnaufer

Nays: None

Absent: Walsh

Treasurer Busa noted that the Village should be receiving its share of the real estate taxes collected by Cook County within the current month. He noted that the revenue will be reflected in the November financial report. Treasurer Busa stated that significant water revenues were received in the month of October which is reflected in the October financial statement.

APPROVAL OF BOARD MEETING MINUTES

Minutes of the Regular Board Meeting - October 9, 2008

After review of Board meeting minutes, Trustee Schnaufer moved, seconded by Trustee Anselmo, to approve the October 9, 2008 regular Board meeting minutes, as presented. Carried by unanimous voice vote (5/0/1).

**REPORT FROM THE PLANNING AND ZONING COMMISSION
PETITION#171 - CHAIRMAN DENNIS SCHERMERHORN
(DISCUSSION AND A POSSIBLE VOTE MAY TAKE PLACE)**

Petition #171 - Text amendments to the Zoning Code of the Village of Indian Head Park regarding general provisions and standards as it relates to fences as well as procedures by which individuals with disabilities may request a reasonable accommodation in accordance with the Americans with Disabilities Act.

Chairman Dennis Schermerhorn reported that the Planning and Zoning Commission conducted a public hearing on November 6, 2008 to review Petition #171 with regard to various amendments to *Title 17, Zoning* of the Indian Head Park Municipal Code as well as general provisions and standards as it relates to fences and procedures by which individuals with disabilities may request a reasonable accommodation. Chairman Schermerhorn noted that *Chapter 17.25* of the Municipal Code is a new chapter that was created by counsel and proposed to address accommodations for individuals with disabilities as well as modifications to *Section 17.12* of the Municipal Code to address other fence issues. Chairman Schermerhorn further noted that the proposed text amendment documents prepared by counsel were presented to the Commission members for review and two audience members in attendance at the public hearing provided comments and suggested changes to the original documents presented as follows: (1) to require the applicant to demonstrate a need for special accommodation as well as a requirement to the extent of the requested accommodation; (2) to require the applicant to periodically demonstrate the ongoing need to continue the accommodation; (3) to require that the ordinance granting such accommodation be recorded against the property effectively placing potential purchasers on notice of the requirement to remove structures involved in the special accommodation.

Chairman Schermerhorn stated that the Commission also considered the existing fences in the Village that are non-conforming that were constructed prior to the Zoning Code of Indian Head Park that was established in 1964. He noted that it was the consensus of the Commission members that boundary fences are not in keeping with the character of the Village. He further noted that the Commission members voted in favor of recommending to the Board that the appropriate language be incorporated in Section 17.12.120 of the Indian Head Park Zoning Code with regard to an orderly removal of non-conforming fences over a period of ten years. Chairman Schermerhorn noted four Commission members voted in favor of providing the recommendations presented this evening to the Village Board for consideration with three zoning members absent.

Chairman Schermerhorn stated that it was most helpful to have counsel present at the Planning and Zoning Commission meeting to review the documents presented and to provide input.

Mayor Andrews entertained a motion to receive the report from the Planning and Zoning Commission. Trustee Coleman moved, seconded by Trustee Bermier, to receive the report from the Planning and Zoning Commission with regard to Petition #171. Carried by unanimous voice vote (5/0/1).

AGENDA ITEMS (DISCUSSION AND A VOTE MAY TAKE PLACE)

Mayor Andrews stated that three ordinances are being presented this evening for the Board's consideration. He noted that the language in *Ordinance #08-18* amending the swimming pool section of the building code states "*all pools shall be completely enclosed by a fence erected along the periphery of the pool walk or terrace*". Mayor Andrews noted that the fence language is currently listed in the swimming pool section of the code and has been defined that a fence must be installed on all sides of the pool and a wall of a residence or structure cannot be counted as one of those sides. Counsel Ramello stated that he concurs that the definition in the code means that a swimming pool must be completely enclosed on all sides by a fence including the point of entry to the pool area to have a gate with a locking mechanism. He noted that a door from the residence does not qualify for a point of entry to the pool area.

Mayor Andrews noted that *Ordinance #08-16* would amend general provisions of *Title 17, Zoning*, of the Municipal Code as it relates to boundary fences constructed prior to the enactment of the Indian Head Park Zoning Code in 1964. He further noted that various options were presented to the Commission as follows: (1) if non-conforming fences become deteriorated then repair of up to 50% of the fence would be allowed; (2) to allow existing non-conforming permitted fences to remain for a period not to exceed ten years from the passage of the ordinance. After the ten year period, non-conforming existing fences will need to be removed. Trustee Coleman stated that many of the non-conforming fences constructed over forty years ago are either falling down or in disrepair. She noted that ten years is a reasonable amount of time to allow someone to comply with current codes.

Mayor Andrews stated that the Planning and Zoning Commission also reviewed *Ordinance #08-17* with regard to reasonable accommodations for individuals with disabilities. He noted that *Section 17.25.030* entitled "**Notice**" of the proposed ordinance states "notice of a hearing must be published at least once not more than thirty days or less than fifteen days before the hearing in one or more newspapers of a general circulation in the Village". Mayor Andrews noted that the referenced section of the ordinance also states that any variation or amendment to *Title 17, Zoning*, would require notice complying with other sections of the code. Counsel Ramello stated that if someone is requesting a variance or amendment concerning zoning of a property, a sign would need to be posted on the property and a notice would need to be published.

Mayor Andrews stated that *Section 17.25.070, Restoration of Premises*, requires that when a reasonable accommodation is provided, the property owner will notify the Village within thirty (30) days of occurrence of any one of the several events. Mayor Andrews stated that item one of the referenced section states “*the individual for whom the requested accommodation was made, no longer resides on the premises*”. Mayor Andrews stated that there may be a situation when an individual may occasionally come to a residence but may not live there permanently due to a health condition. He suggested a change to the referenced section to read as follows: “*the individual for whom the requested accommodation was made no longer permanently resides at the residence*”. Counsel Ramello stated that the word “permanently” could be added to the referenced section to distinguish between someone who temporarily comes to visit a residence from a health care facility. Mayor Andrews stated there are other provisions of the ordinance that also apply if someone is requesting a reasonable accommodation as defined under *Ordinance #08-17*. Trustee Bailey stated that possibly there may be a situation when there is shared custody and someone may spend half the time with one person living in the Village and half the time with someone living elsewhere. He added that someone requesting an accommodation under this section of the code, would have a particular need and the facts of the matter would be discussed and a determination can be made by the Board at that time. Mayor Andrews suggested that Counsel Ramello amend the ordinance to add the word “permanently” under the notice requirements of *Ordinance #08-17*. Trustee Bermier stated that she is not in favor of adding the word “permanently” to the ordinance. Mayor Andrews stated that the change to the ordinance only deals with the requirement for the notice provision to the Village of a situation. He suggested that possibly language could be added to the notice section of the ordinance as follows: “*the individual for whom the requested accommodation was made no longer resides at the residence at least 50% of the time*”. The consensus of the Board decided to amend Ordinance #08-17, as stated.

QUESTIONS AND/OR COMMENTS FROM THE AUDIENCE - INDIAN HEAD PARK RESIDENTS - AGENDA ITEMS ONLY

Michael Pall, of 6472 Apache Drive, stated that he has no objections to the suggested changes with regard to the ordinance concerning reasonable accommodations for individuals with disabilities and the notice requirement section of the ordinance. Superintendent Santen stated that there are several non-conforming fences throughout the Village over fifty years old that are falling down and he asked if the time period for removal of those fences could be addressed sooner. Trustee Bermier suggested that the building inspector could provide a report on any fences that are in disrepair. She noted that if more than 50% of the fence is in disrepair, the fence should be taken down and cannot be rebuilt. Mayor Andrews stated that there are provisions of the code that allow the Village to notify a homeowner of property maintenance issues.

Counsel Ramello stated that he would review the property maintenance provision section of the code to determine how to address existing fences in disrepair that may pose a hazard. Mayor Andrews stated that ten years is a generous amount of time to allow someone to remove deteriorated non-conforming fences.

Having discussed and reviewed all three ordinances presented to the Board for consideration and approval, Mayor Andrews entertained a motion to approve the ordinances as follows prepared by Village counsel.

Approval of an Ordinance Amending Chapter 17.12, entitled “General Provisions” of Title 17 entitled, “Zoning” of the Indian Head Park Municipal Code (Ordinance #08-16)

Trustee Coleman moved, seconded by Trustee Anselmo, to approve an ordinance amending *Chapter 17.12* entitled “General Provisions” of *Title 17* entitled “Zoning” of the Indian Head Park Municipal Code, as amended by counsel. Carried by unanimous roll call vote (5/0/1). ***Ordinance #08-16.***

Ayes: Trustees: Anselmo, Bailey, Bermier, Coleman, Schnaufer

Nays: None

Absent: Walsh

Approval of an Ordinance Adding Chapter 17.25, entitled “Reasonable Accommodations for Individuals with Disabilities” to Title 17 entitled “Zoning” of the Indian Head Park Municipal Code (Ordinance #08-17).

Trustee Bermier moved, seconded by Trustee Anselmo, to approve an ordinance adding *Chapter 17.25* entitled “Reasonable Accommodations for Individuals with Disabilities” to *Title 17, Zoning*, of the Municipal Code, as amended by counsel. Carried by unanimous roll call vote (5/0/1). ***Ordinance #08-17.***

Ayes: Trustees: Anselmo, Bailey, Bermier, Coleman, Schnaufer

Nays: None

Absent: Walsh

Approval of an Ordinance Amending Section 15.21.060, entitled “Design and Construction Standards of Chapter 15.21, entitled “Swimming Pools” of the Indian Head Park Municipal Code (Ordinance #08-18).

Trustee Coleman moved, seconded by Trustee Schnaufer, to approve an ordinance amending *Section 15.21.060*, entitled “Design and Construction Standards” of *Chapter 15.21*, entitled “Swimming Pools” of the Municipal Code, as amended by counsel.

Carried by unanimous roll call vote (5/0/1). **Ordinance #08-18.**

Ayes: Trustees: Anselmo, Bailey, Bermier, Coleman, Schnaufer

Nays: None

Absent: Walsh

Mayor Andrews stated that the process has been streamlined for fences that are required for swimming pools. He noted that a terms and conditions hearing for pool fences will no longer be necessary before the Planning and Zoning Commission. However, the pool and safety fence must meet all other requirements of applicable building codes before a building permit can be issued.

Mayor Andrews stated that progress has been made with new updates to the Village code to incorporate a new section to provide a process for reasonable accommodations for individuals with disabilities and also an amendment to the code to address existing fences in the Village.

Mayor Andrews stated that the annual book sale at the Heritage Center was a success and the Village sponsored Halloween party was enjoyed by everyone in attendance. Trustee Bermier thanked Mary Crowley, Dale Strazzante and the Public Works Department for all of their help with this event.

Trustee Schnaufer mentioned that Mary Crowley will be the point of contact for Indian Head Park with the Aging Well Initiative to field any calls to the Village from seniors who are interested in programs or services provided by Age Options.

Lenore Halac, of 6509 Blackhawk Trail, inquired if the Village has made a decision about removal of the storm sewer in front of her house that was discussed with the Board previously. Mayor Andrews inquired about the process to remove a storm sewer. Superintendent Ed Santen stated that a decision to remove the storm sewer has not yet been made, it would be a substantial expense to the Village to remove the drainage structure, the storm sewer was installed due to a water problem at that location that has been corrected. Mayor Andrews asked Trustee Coleman to review the matter with Frank Alonzo and Superintendent Santen so that a recommendation and decision can be made.

EXECUTIVE SESSION

Trustee Schnaufer moved, seconded by Trustee Bermier, to adjourn to Executive Session pursuant to 5 ILCS 120/2 (c) (1) to discuss the appointment, employment, compensation, discipline or performance of specific employees and 5 ILCS 120/2 (c) (11) to discuss litigation matters. Carried by unanimous roll call vote (5/0/1).

Board Minutes
November 13, 2008

Ayes: Trustees: Anselmo, Bailey, Bermier, Coleman, Schnauffer

Nays: None

Absent: Walsh

RETURN TO OPEN SESSION

Trustee Bailey moved, seconded by Trustee Coleman, to return to the regular Board meeting. Carried by unanimous voice vote. (5/0/1).

ADJOURNMENT

There being no further business to discuss, Trustee Anselmo moved, seconded by Trustee Bermier, to adjourn the regular Board meeting at 9:35 p.m. Carried by unanimous voice vote (5/0/1).

Respectfully Submitted,
Kathy Leach, Deputy Clerk/Recording Secretary